

MEMORANDUM 4-T-04

DATE: January 22, 2004

TO: Planning and Zoning Board Members

FROM: Bruce D. Chatterton, AICP, Planning and Zoning Services Manager

VIA: Chris Barton, AICP, ASLA, Principal Planner

BY: Donald Morris, AICP, Planner III

SUBJECT: Case 4-T-04 Amendment to ULDR Section 47-1.12 *Effect of annexation on property*

The changes proposed in **Exhibit 1** are being proposed in response to discussion at the August 27, 2003 Planning and Zoning Board meeting regarding existing uses and structures on recently annexed property.

At this meeting, the City of Fort Lauderdale requested approval of a number of rezonings from Broward County zoning classifications to City of Fort Lauderdale zoning classifications to complete the annexation process for a series of properties located in the SR 84 Marina Mile area, which was begun in 1994.

Broward County's Zoning Ordinance contains different zoning districts than those found in the City's Unified Land Development Regulations (ULDR). As a result, there are some instances where uses permitted under County zoning are not permitted under City zoning. Upon rezoning, these uses would become legal non-conforming uses. Legal non-conforming uses may continue indefinitely, provided that the uses are not abandoned (180 days) or the structure housing the non-conforming uses are not destroyed (50% or more of the replacement value). The PZ Board expressed concerns about creating legal non-conforming situations resulting from annexation, and requested that staff look into ways to rezone properties so that legally permitted existing uses in the County would also be permitted in the City.

The proposed changes were modeled on the RDs-15, RCs-15 and RMs-15 districts. In these districts, existing multiple family uses are legal and permitted, but new multiple family uses are prohibited. Staff proposes a similar concept by allowing legally permitted existing uses on annexed properties to remain legal and permitted after rezoning, but prohibit new uses that do not conform to the new City zoning district.

As with all rezoning and ULDR amendments, uses and changes must be consistent with the Comprehensive Plan (or City Plan).

Staff Recommendation: Recommend the proposed amendments to the City Commission.

Planning and Zoning Board

Acting as the Local Planning Agency:

The Board shall consider a motion finding that the proposed amendments are consistent with the City of Fort Lauderdale Comprehensive Plan, Future Land Use Element, as follows:

Objective 22: Continue to respond to identified problems/opportunities; develop incentive systems for quality development and redevelopment; prevent incompatible uses; and incorporate design criteria.

Planning and Zoning

Board Review Options:

Recommend the above-referenced amendments to the City Commission as proposed by staff, recommend the amendments with revisions or recommend denial of the amendments.

PZ4-T-04/01-22-04/DLM

Attachment